IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

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UNOPPOSED MOTION FOR AN EXTENSION OF TIME TO RESPOND TO DEFENDANT'S MOTION FOR PARTIAL SUMMARY JUDGMENT

Now come the Plaintiffs in the above entitled matter and state the following:

- 1. On March 1, 2006 this Court conducted a scheduling conference pertaining to the above class action lawsuit. (A copy of the transcript of said proceeding has already been filed with the Court.)
- 2. Pursuant to the deadlines approved by the Court during the scheduling conference, the Defendant was to file its Partial Motion for Summary Judgement on or before March 24, 2006.
 - 3. On March 24, 2006, the Defendant filed its partial Motion for Summary Judgment.
- 4. As discussed during the scheduling conference, the Defendant agreed to provide certain statistical information regarding the charges assessed against non-customers during the applicable class period. The Court allowed the Plaintiffs 30 days from the receipt of said information to respond to the Motion for Partial Summary Judgment. To date the Plaintiffs have not received the statistical information from the Defendant.
- 5. The undersigned has spoken with defense counsel who indicated that the requested information should be forthcoming sometime during the next few weeks.
- 6. The Plaintiffs will need to take a deposition of the affiant referenced in the Defendant's Partial Motion for Summary Judgment. The Plaintiffs may also need to depose the affiant of the percentage data referenced above.
- 7. The Plaintiffs are requesting that the Court extend the deadline to respond to the Defendant's Motion for Partial Summary Judgment for 60 days so that the depositions

referenced above may be concluded and an opposition to Defendant's Motion for Partial Summary Judgment can be prepared and filed.

8. The Defendant does not oppose the requested relief.

WHEREFORE, Plaintiffs pray that their Motion to Extend time be granted and that the Court extend the deadline for the filing of Plaintiffs Opposition to the Motion for Partial Summary Judgment through June 12, 2006.

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to E. Macey Russell, Esq. on April 11, 2006 and will be mailed to

William L. Stern, Esq. Rebekah Kaufman, Esq. Morrison & Foerster LLP 425 Market Street San Francisco, CA 94105-2482

/s/Maria J. Ferreira